

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAY BRADSHAW,

Plaintiff,

-against-

CITY OF NEW YORK, et al,

Defendants.

21-CV-10142 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated December 7, 2021, the Court dismissed this action without prejudice under 28 U.S.C. § 1915(g), noting that Plaintiff may commence a new action and pay the filing fees for that action. (ECF 4.) The Court is now in receipt of Plaintiff's December 29, 2021, letter wherein he states that he would like to pay the filing fees in this action. This action, however, is closed. If Plaintiff would like to commence a new action, he may do so and submit payment in that new civil action.² Plaintiff remains barred from filing any future action *in forma pauperis* (IFP) while he is in custody, unless he alleges that he is under imminent threat of serious physical injury.³ *Id.*

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

² If Plaintiff files a new action, that complaint will be reviewed under 28 U.S.C. § 1915A, which requires the Court to dismiss *any* civil rights complaint from a prisoner if it “(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief.” 28 U.S.C. § 1915A(b).

³ The Court may bar any vexatious litigant (including a nonprisoner) from filing future actions (even if the filing fee is paid) without first obtaining leave from the Court. *See In re Martin-Trigona*, 9 F.3d 226, 227-30 (2d Cir. 1993) (discussing sanctions courts may impose on vexatious litigants, including “leave of court” requirement).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

SO ORDERED.

Dated: January 19, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge